

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:18-CR-00125-D-1

UNITED STATES OF AMERICA :
 :
 v. :
 :
MICHAEL LEE DRAKE :

ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement by the defendant on June 18, 2018, and the defendant's guilty plea to an offense in violation of 21 U.S.C. § 846, the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853, to wit:

- (a) \$596,700.00, an amount that the defendant agreed represents proceeds that he personally obtained directly or indirectly as a result of the said offense in Count One, and further stipulated that he had by his own acts of omissions made these proceeds unavailable and that one or more of the conditions to forfeit substitute assets exists as set forth in 21 U.S.C. § 853(p);
- (c) One .367 Beretta handgun, serial number 078199MC;
- (d) One Bryco Arms .38 handgun, serial number 1572056; and
- (e) any and all related ammunition;

AND WHEREAS, by virtue of said guilty plea and the defendant's agreement therein, the United States is now entitled to entry of an Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(2); and to seize the specific property subject to forfeiture, to conduct any discovery the Court considers proper in identifying, locating, or disposing of the property, and to commence proceedings that comply with any statutes governing third-party rights, as provided by Fed. R. Crim. P. 32.2(b)(3).

It is hereby ORDERED, ADJUDGED and DECREED:

1. That pursuant to 21 U.S.C. § 853(a), the defendant shall forfeit \$596,700.00 to the United States as property constituting or derived from proceeds obtained, directly or indirectly, as a result of the said offense.

2. That pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, the United States may move to amend this Order at any time to substitute specific property to satisfy this Order of Forfeiture in whole or in part.

3. That any and all forfeited funds shall be deposited by the U.S. Department of Justice or the U.S. Department of the Treasury, as soon as located or recovered, into the U.S. Department of Justice's Assets Forfeiture Fund or the U.S. Department of the Treasury's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

4. That with respect to the specific personal property listed herein, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3).

4. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is DIRECTED to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant at sentencing.

SO ORDERED, this 21 day of November, 2018.

J. Dever
JAMES C. DEVER, III
United States District Judge